

September 2000

Introduced by

1 A BILL for an Act to amend and reenact section 14-09-06.4 of the North Dakota Century Code,  
2 relating to immunity for guardians ad litem and child custody investigators.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 14-09-06.4 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **14-09-06.4. Appointment of guardian ad litem or child custody investigator for**  
7 **children in custody, support, and visitation proceedings - Immunity.** In any action for an  
8 annulment, divorce, legal separation, or other action affecting marriage, where either party has  
9 reason for special concern as to the future of the minor children, and in ~~actions~~ any action  
10 affecting the marriage relationship where the custody of such children is contested, either party  
11 to the action may petition the court for the appointment of a guardian ad litem to represent the  
12 children concerning custody, support, and visitation. The court, in its discretion, may appoint a  
13 guardian ad litem or child custody investigator on its own motion. If appointed, a guardian ad  
14 litem shall serve as an advocate of the children's best interests. If appointed, the child custody  
15 investigator shall provide those services as prescribed by the supreme court. The court may  
16 direct either or both parties to pay the guardian ad litem or child custody investigator fee  
17 established by the court. If neither ~~of the parties are~~ party is able to pay the fee, the court may  
18 direct the fee to be paid, in whole or in part, by the county of venue. The court may direct either  
19 or both parties to reimburse the county, in whole or in part, for such payment. Any guardian ad  
20 litem or child custody investigator appointed under this section who acts in good faith in making  
21 a report to the court is immune from any civil liability resulting from the report. For the purpose  
22 of determining good faith, the good faith of the guardian ad litem or child custody investigator is  
23 a disputable presumption.

**NOTE:** Under Section 31-11-03, every presumption other than those set forth in Section 31-11-02, which lists four presumptions and provides that any other presumption may be conclusive if a statute expressly so provides, is denominated a disputable presumption and may be contradicted by other evidence.